

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
)
v.)
)
SOUTHERN COAL CORPORATION;)
A&G COAL CORPORATION;)
JUSTICE COAL OF ALABAMA, LLC;)
BLACK RIVER COAL, LLC;)
DOUBLE BONUS COAL COMPANY;)
DYNAMIC ENERGY, INC; FOUR)
STAR RESOURCES, LLC; FRONTIER)
COAL COMPANY, INC; INFINITY)
ENERGY, INC; JUSTICE)
HIGWALL MINING, INC;)
KENTUCKY FUEL CORP.;)
KEYSTONE SERVICES INDUSTRIES,)
INC.; M&P SERVICES, INC.; NINE)
MILE MINING COMPANY, INC.;)
NUFAC MINING COMPANY, INC.;)
PAY CAR MINING, INC.; PREMIUM)
COAL COMPANY, INC.; S AND H)
MINING, INC.; SEQUOIA ENERGY,)
LLC; TAMS MANAGEMENT, INC.;)
VIRGINIA FUEL CORP.,)
)
Defendants.)

Case No. 7:19-cv-354
Senior Judge Glen E. Conrad

DECLARATION OF C. THOMAS EZZELL

Upon being duly sworn, the undersigned hereby deposes and states as follows:

1. My name is C. Thomas Ezzell.
2. I am over the age of 18 and competent to testify as to the facts set forth herein.

3. I am currently Of Counsel with the Getty Law Group, PLLC which serves as co-counsel (*pro hac vice* motion forthcoming) in the case styled *James C. Justice, et al. v. Office Of Surface Mining Reclamation And Enforcement*, civil action number 7:13-cv-00381 currently pending the United States District Court for the Western District of Virginia (the “OSM Action”).

4. I, along with other attorneys with the Getty Law Group, PLLC, drafted the Complaint in the OSM Action.

5. Through our work with Mr. Justice and his companies, we often collaborate with individuals in both West Virginia and Virginia regarding the day-to-day operations of those companies.

6. At the time of drafting of the Complaint in the OSM Action, we assumed that the companies identified therein were based in Roanoke, Virginia. We based this assumption on our previous work for Mr. Justice and his companies.

7. At the time of the filing of the Complaint, we were unaware that certain individuals had been hired and that certain operations had previously been relocated from Roanoke, Virginia to West Virginia.

8. Thus, through an inadvertent oversight, counsel mistakenly identified the principal place of business for several of the Plaintiff entities in the OSM Action as Roanoke, Virginia.

9. Those companies were: Dynamic Energy, Inc., Frontier Coal Company, Justice Energy Company, Inc., and Pay Car Mining, Inc.

10. Those same four (4) entities were named as Plaintiffs in the OSM Action as a result of a dispute regarding allegedly unpaid fees due to OSM. On information and belief, those

fees have now been paid in full, and therefore Dynamic Energy, Inc., Frontier Coal Company, Justice Energy Company, Inc., and Pay Car Mining, Inc. no longer have any claims for relief and are in the process of being removed as Plaintiffs in that action.

Further the Affiant sayeth naught.



C. THOMAS EZZELL

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

Subscribed and sworn to before me by C. Thomas Ezzell on this the 30th day of July, 2019.

My Commission expires:

11/30/22

KELLIE JO LAMBERT
NOTARY PUBLIC
ID No.: 612532

